

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Bky. Case No. 08-41984-GFK

Donald Andrew Driggs,

Chapter 11 Case

Debtor.

**STATEMENT OF REMAINING OBJECTIONS OF COMMERCE BANK TO THE
DEBTOR'S THIRD AMENDED DISCLOSURE STATEMENT**

Commerce Bank (the "Bank"), by and through its undersigned attorneys, hereby states to the Court as follows:

1. In an Order Re: Proceedings on Adequacy of Disclosure Statement, Confirmation of Plan, and Motion of Commerce Bank for Relief from Stay entered on January 13, 2009 (the "Order"), the Bank was to file, by 5:00 p.m. on January 30, 2009, a statement describing any remaining objections to the Debtor's Third Amended Disclosure Statement (the "Disclosure Statement").

2. Debtor and the Bank have attempted to resolve objections and continue to do so.

3. At this time, the Bank has a remaining objection concerning the adequacy of the Disclosure Statement with respect to a description of the treatment of its claim should the Debtor's objection to the Bank's 1111(b) election be overruled.

4. Debtor and the Bank are working to resolve this objection prior to the hearing scheduled for 2:00 p.m. on February 3, 2009 before the Court.

5. All previously-made objections more properly going to the confirmability of the Debtor's plan are reserved by the Bank for disposition in the confirmation process.

6. It is hoped that the remaining objections of the Bank to the Disclosure Statement will be resolved prior to the hearing. If so, counsel will undertake promptly to notify the Court.

Dated: January 30, 2009

MOSS & BARNETT
A Professional Association

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CERTIFICATE OF SERVICE

Maureen A. Montpetit, employed by Moss & Barnett, with office address of 4800 Wells Fargo Center, 90 South 7th Street, Minneapolis, MN 55402, declares under penalty of perjury that on January 30, 2009, I caused the following documents: **(1) Statement of Remaining Objections of Commerce Bank to the Debtor's Third Amended Disclosure Statement; and (2) Certificate of Service** to be filed electronically with the Clerk of Bankruptcy Court through ECF, and that the following have been served with a copy of said documents through notification by ECF or if the recipient is not an ECF recipient, then by facsimile or first class mail:

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Executed: January 30, 2009

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Signed: /e/ Maureen A. Montpetit
Maureen A. Montpetit